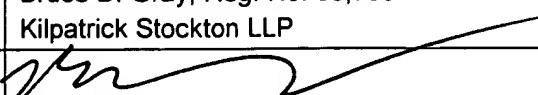


3738

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> APR 10 2002		Application Number	09/776,394
		Filing Date	February 2, 2001
		First Named Inventor	Bryan
		Group Art Unit	3738
		Examiner Name	Stewart
Total Number of Pages in this Submission	21	Attorney Docket Number	46739/252388

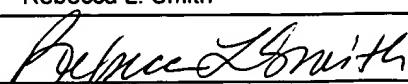
ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip PTO/SB/69 and Accompanying Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) <i>(Please identify below)</i> Reissue Application: Consent of Assignee; Statement of Non-Assignment; Statement Under 37 CFR 3.73(b) with copy of Assignment attached; Offer to Surrender Original Patent	
			<input type="checkbox"/> Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Or Individual Name	Bruce D. Gray, Reg. No. 35,799 Kilpatrick Stockton LLP	Customer Number 23370
Signature		
Date	April 5, 2002	

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I hereby certify that this correspondence is being deposited with the United States Postal Service via first-class mail in an envelope addressed to: Box Reissue, Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: April 5, 2002.

Typed or printed name		Rebecca L. Smith	
Signature		Date	April 5, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANTS: Vincent Bryan, et al.
PATENT NO.: 5,865,846
ISSUE DATE: February 2, 1999 GROUP ART
SERIAL NO.: 09/776,394 UNIT: 3738
FILED: February 2, 2001 EXAMINER: Stewart, Alvin J.
FOR: HUMAN SPINAL DISC PROSTHESIS

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TC 3136 MAIN ROOM

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Commissioner for Patents
P. O. Box 2327
Arlington, Virginia 22202

ATTORNEY DOCKET NO.: 46739/252388
DATE:

OFFER TO SURRENDER ORIGINAL PATENT

Sir:

Pursuant to 37 C.F.R. § 1.178, Spinal Dynamics Corporation hereby offers to surrender original U.S. Letters Patent 5,865,846 conditioned upon the reissue of said Letters Patent.

The undersigned is authorized to act on behalf of Spinal Dynamics Corporation.

SPINAL DYNAMICS CORPORATION

By: Earl Douglas

Name: Earl M. Douglas

Title: Vice President and General Counsel

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REISSUE APPLICATION: CONSENT OF ASSIGNEE;
STATEMENT OF NON-ASSIGNMENTDocket Number (Optional)
46739/252388

APR 10 2002

This is part of the application for a reissue patent based on the original patent identified below.

Name of Patentee(s)
Spinal Dynamics CorporationPatent Number
5,865,846Date Patent Issued
February 2, 1999Title of Invention
Human Spinal Disc Prosthesis1. Filed herein is a certificate under 37 CFR 3.73(b). (Form PTO/SB/96)2. Ownership of the patent is in the inventor(s), and no assignment of the patent has been made.

One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".

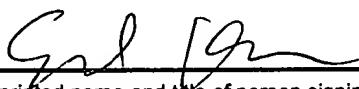
The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.

The assignee owning an undivided interest in said original patent is Spinal Dynamics Corporation and the assignee consents to Reissue Application No. 09/776,394.

Name of assignee

Spinal Dynamics Corporation

Signature



Date

1-15-02

Typed or printed name and title of person signing for assignee (if assigned)

Earl M. Douglas, Vice President and General Counsel

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.